

REMARKS

The Office Action mailed October 20, 2004, for the present application has been reviewed. As a result of the foregoing amendments, claims 1-31 are pending in the application. Of these, claims 4-5, 12-14, 19-25, and 28 are withdrawn from consideration by the Examiner. The remaining pending claims have been amended. It is believed that the amended claims now clearly differentiate the novel characteristics of the present invention from the prior art and thus further and favorable reconsideration is solicited. No new matter has been added to the application. Applicant expresses appreciation for thoughtful examination by the Examiner.

The present invention provides a novel support bracket assembly for mounting items, for example flowers, decorative seasonal items or wind chimes on a post, column or tree. Thus, the invention is useful in providing decorative aspects, for example, to a residence or business. It should first be noted that none of the prior art achieve these results or address this need in the art.

The objection to Figure 4 of the drawings is noted and a corrected replacement drawing sheet is submitted herewith. It appears that hook bracket 34 was all shown by phantom lines whereas only the portions located behind item 30 should have been so illustrated. The Examiner is thanked for pointing out this discrepancy and it is believed that matter is corrected by the enclosed substitute page.

Figure 1 has also been corrected to include the reference numeral 20 utilized in the text of the specification. Additionally, the claim objections relating to Claims 2, 3, 6-11, 15-18, and 27-31 have been responded to by changing "A" to "The." However, this

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amendment is believed to be insignificant in that it relates to a matter of form or choice rather than substance.

The claim rejections under 35 U.S.C. § 112 are also responded to by utilizing the "adapted to" phraseology as suggested by the Examiner. The Examiner is thanked for his helpful suggestion.

The claims have now been amended to more clearly describe the invention and to differentiate it from the prior art. The invention includes a load supporting ring that surrounds the vertical object to which the assembly is to be mounted. A plurality of mounting brackets is now recited as is required in the practice of the invention in order to maintain the horizontal space between the supporting member and the vertical object, uniformly around the object. It will be apparent from the drawings that the mounting brackets spaced around the object will counterbalance each other and tend to maintain the supporting member in a level horizontal orientation when the assembly is mounted to the vertical object. It is submitted that this language patentably distinguishes the invention from Ussery who describes a tree stand, which for support requires a strap that tightly encircles the tree. These same principles apply to the Miller '974 patent that relies on a chain tightly encircling a tree and utilizes a mounting bracket extending from the outer end of the platform downwardly to a point on the trunk of a tree. This arrangement is inherently unbalanced and requires the use of a rope cable or chain fastened tightly around the tree trunk in order to maintain the hunting platform in place against the tree. Nothing in this disclosure, however, would lead one to arrive at the present invention. The arrangement of the present invention enables the use of the plurality of mounting brackets that enable positioning of the supporting loop member at

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an equal horizontal distance from all sides of the column or post around which the support bracket assembly of the present invention is intended to be mounted. Also, in the case of an irregularly shaped vertical object such as a tree, the positioning of the supporting loop member is adjustable to a degree by raising or lowering of the elevation of the first or tree-contacting ends of the individual brackets. Such flexibility is nowhere provided by the prior art, which is focused on objectives different than those achieved by the present invention.

It is respectfully submitted that it would not be obvious to modify either Ussery or Miller '974 by following any teachings of the Miller, Jr. patent. Note that while Miller, Jr. discloses a circular supporting member that the basic configuration of the assembly is substantially different. Note that the mounting brackets of Miller, Jr. are essentially in the same vertical plane as the supporting member 18. There is no connection of the supporting member to the mounting brackets intermediate therein as in the case of the present invention and the claims as amended. Note that such modification would be actually detrimental to the Miller, Jr. assembly. In Miller, Jr. the mounting brackets need to be out of the way of the clothing hangers 20. Moreover, note that the mounting brackets of Miller, Jr. do not serve as supports for hanging objects. The brackets themselves would be undesirable for hanging objects such as plants if configured as shown in Miller, Jr. Moreover, hanging items such as plants from the supporting member 12 of Miller, Jr. would not achieve the objectives of the present invention. Note that in addition to being esthetically undesirable, the arrangement would also suffer from instability from hanging of plants, for example, especially in the case of wind that would need to be taken into account in the case of assemblies adapted for outdoor mounting.

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It is thus respectfully submitted that even attempting to reconstruct Miller, Jr., in hindsight, to arrive at the present invention would not lead one skilled in the art to the present invention. Serious re-engineering and unobvious modification would clearly be required. Thus, nothing in Miller, Jr., either taken alone or in combination with the other references, would render the present claims obvious.

With respect to the secondary Riblet patent, it is respectfully submitted that this patent does not teach anything that would lead to the configuration as now claimed.

In view of the foregoing amendments and remarks, further and favorable reconsideration of the application is earnestly solicited. Approval of the drawings as corrected and entry of the amendments and passage of the application to issue is respectfully requested.

Examiner noted that the prior art of record was considered pertinent to Applicant's disclosure. Applicant has reviewed the prior art of record and submit they do not adversely bear on the patentability of the pending claims.

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CONCLUSION

In light of the foregoing, Applicant respectfully submits that he has addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims as amended is earnestly solicited. Applicant submits that the present application is in a condition for allowance and respectfully requests such allowance.

In the event any further matters requiring attention are noted by Examiner, or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

Respectfully submitted,

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Date: 1-14-05
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